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Remarks

Applicant has carefully reviewed the application in light of the March 14, 2008 Final Office Action. For at least the reasons presented below, Applicant respectfully submits that the currently pending claims are allowable over the cited patent literature. Applicant therefore requests favorable action for this case.

Section 102 Rejections

The Examiner rejects claims 1-4, 8-17, 20-23, 25, 27-34, 36, 38-43, and 87-91 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,129,840 issued to Hull et al. ("Hull"). Detailed Action ¶ 2. Applicant disagrees.

To anticipate a claim under § 102, a reference must teach each and every limitation of the claim. M.P.E.P. § 2131. Furthermore, the elements in the reference must be arranged as the limitations in the claim. Id. Hull, however, fails to teach all of the limitations in any of claims 1-4, 8-17, 20-23, 25, 27-34, 36, 38-43, and 87-91. Thus, Hull fails to anticipate these claims.

Claim 1 is an independent claim containing limitations not taught by Hull. Claim 1 recites:

A document management system, the system comprising:
a physical-document monitoring device comprising:
a document coupling device,
a sensor coupled to the document coupling device, the
sensor operable to sense a state of a document and to generate a signal
representative thereof, and
a computer coupled to the sensor, the computer operable to
determine a document state based on the signal.

Nowhere, however, does Hull teach a sensor coupled to a document coupling device and operable to sense a state of a document and generate a signal representative thereof. Quite to the contrary, Hull discloses a monitoring device 100 that includes a structure 104 (e.g., a desktop) in which sensors 112 are mounted and a detection module 106 that receives a collection of signals produced by the sensors. col. 2, ll. 34-59; Fig. 1. When a document having an RFID tag 416 is placed on the structure 104, the sensors 112 interrogate the tag, which responds with information stored in the tag (e.g., an identifier), and the detection module 106 stores output signals for the

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sensors 112 that detect the tag's response, which provides an indication of the document's position. col. 4, l. 49-col. 5, l. 24; Fig. 4. Thus, Hull fails to teach a sensor coupled to a document coupling device, much less one operable to sense a state of a document and generate a signal representative thereof, because the document RFID tags 416 in Hull simply output stored information to the sensors 112, which are located in the structure 104.

Applicant notes the Examiner's assertion to the contrary, Detailed Action ¶ 2, but it appears that the Examiner is grouping the sensors 112 with the RFID tags 416. Hull specifically discloses that these are distinct devices. col. 4, ll. 49-65; Fig. 4. In fact, Hull makes this distinction again and again. See, e.g., col. 1, ll. 59-64; col. 2, ll. 43-50; Fig. 1; col. 3, ll. 1-16; Figs. 2A-C; col. 5, ll. 14-16; col. 6 ll. 3-7. For example, Hull discloses that "[s]ensors collect first information indicative of a first position, and second information indicative of a second position." col. 1, ll. 59-60. But the information that the sensors 112 collect comes from the RFID tags 416. See, e.g., col. 4, ll. 49-65. Thus, the RFID tags 416 are distinct devices from the sensors 112.

Even assuming for arguments sake that the sensors 112 and the RFID tags 416 could be classified as some type of sensor system, this still does not change the fact that the sensors 112 are located in the structure 104. See, e.g., Fig. 1. Moreover, the document to which the RFID tag 416 is attached may be moved freely with respect to the structure 104. In fact, the primary purpose of Hull's invention is to determine the presence and various positions of the RFID tag 416, and, hence, the associated documents, relative to the sensors 112. Thus, if the RFID tag 416, and, hence, the associated document, was somehow fixedly coupled to structure 104, Hull's invention would not have a purpose. Thus, the Examiner's interpretation of Hull's components is directly at odds with its basic premise, which ineluctably leads to the conclusion that the Examiner's interpretation is erroneous. Hull specifically supports this conclusion. col. 3, ll. 17-30.

For at least these reasons, Applicant submits that Hull fails to teach all of the limitations of claim 1. Applicant therefore requests the Examiner to withdraw the § 102 rejection of this claim.

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Claims 2-4, 8-17, 87, and 90-91 depend from claim 1 and, hence, contain all of its limitations, which have already been shown to be allowable over Hull. Claims 2-4, 8-17, 87, and 90-91 also contain additional limitations that Hull fails to teach.

For example, claim 3 specifies that "the document state comprises the number of document pages." But at its best, Hull discloses that RFID tags can store the number of pages of a document. col. 8, l. 46 - col. 9, l. 19. Thus, Hull fails to teach that a document state comprising the number of document pages can be sensed.

Applicant notes the Examiner's assertions to the contrary, but the portions of Hull on which the Examiner relies teach sensing the position of a document on a surface, col. 1, l. 59 – col. 2, l. 3; col. 8, ll. 10-67, and that an RFID tag can store the number of pages of a document. col. 9, ll. 1-25. Notably absent, however, is an indication that the number of pages is sensed. Moreover, Applicant notes that the Examiner now seems to be asserting that the sensors 112 are the devices that perform the sensing in Hull, which is one of the things Applicant argued with respect to claim 1.

As another example, claim 4 specifies that "the document coupling device is part of the sensor and facilitates sensing the document state." Hull, however, at best discloses that RFID tags 416 may be coupled to a document attachment device, col. 4, ll. 4-19, and the sensors 112 are part of the structure 104. Thus, Hull fails to teach that a sensor includes a document coupling device, much less that the document coupling device facilitates sensing the document state.

Applicant notes the Examiner assertions to the contrary, Detailed Action ¶ 2, but the Examiner appears to overlook the fact that Hull describes an RFID tag coupled to a paper clip or staple. col. 4, ll. 6-12. This fails to teach that "the document coupling device is part of the sensor." Moreover, this in no way even suggests that "the document coupling device ... facilitates sensing the document state."

As a further example, claim 8 recites "a wireless communication device coupled to the computer, the wireless communication device operable to send data from and receive data for the computer." Nowhere, however, does Hull teach a wireless communication device coupled to the computer of a document monitoring device. Applicant notes the Examiner's assertion to the contrary, Detailed Action ¶ 2, but the portions of Hull on which the Examiner relies at best disclose that a signal 316 generated by an RFID tag in response to an interrogation signal is

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decoded and passed to a host computer for processing, col. 3, ll. 1-46; col. 1, l. 59 – col. 2, l. 3; col. 2, ll. 50-67. Thus, it appears that the Examiner is now inappropriately redefining the sensors 112 to be wireless communication devices.

As an additional example, claim 10 specifies that “the received data comprises state data for a non-physical version of a document.” But while Hull discloses that information regarding a non-physical version (e.g., electronic) of a document may exist, col. 4, ll. 20-38, Hull also discloses that the information is stored in a database, col. 4, ll. 39-48. In fact, Hull discloses that a document identifier from a document’s RFID tag is used to map to the document information. *Id.* Thus, Hull fails to teach receiving state data for a non-physical version of a document at a physical-document monitoring device.

Applicant notes the Examiner’s other assertions to the contrary, Detailed Action ¶ 2, but these also fail to teach the recited limitations as well. For example, while Hull teaches that the sensors 112 receive a signal 316 from an RFID tag 316, col. 3, ll. 1-46, the sensors, as argued with respect to claim 8, are not wireless communication devices. Moreover, even if the sensors could be construed as wireless communication devices, there is no indication that “the received data comprises state data for a NON-PHYSICAL version of a document.” (emphasis added).

As another example, claim 17 specifies that “the monitoring device further comprises a display device operable to provide a visual indication of physical document status.” Hull, however, teaches nothing about the RFID tags 416 having display devices. Applicant notes the Examiner’s assertion to the contrary, Detailed Action ¶ 2, but the portion of Hull on which the Examiner relies only discloses that an output tray 734 may be provided with interrogation devices 734a for sensing RFID tags on documents in the tray and activating a recording device 708, col. 8, ll. 10-38. This fails to teach a document monitoring device including a display device operable to provide a visual indication of physical document status.

As a further example, claim 90 specifies that “the document coupling device is adapted to couple the monitoring device to a physical document.” At best, Hull teaches that an RFID tag 416 is attached to a document. col. 4, ll. 6-12. However, as specified in claim 1, the monitoring device includes a sensor coupled to the document coupling device and a computer coupled to the sensor. Thus, Hull fails to teach that a document coupling device is adapted to couple a monitoring device to a physical document.

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For at least these reasons, and for the reasons given with respect to claim 1, Applicant submits that Hull fails to teach all of the limitations of any of claims 2-4, 8-17, 87 and 90-91. Applicant therefore requests the Examiner to withdraw the § 102 rejection of these claims.

Claim 20 is an independent claim containing limitations analogous to those of claim 1. For at least the reasons given with respect to that claim therefore, Applicant submits that claim 20 also possesses distinguishing limitations over Hull. Applicant therefore requests the Examiner to withdraw the § 102 rejection of this claim.

Claims 21-23, 25, 27-34, and 88 depend from claim 20 and, hence, contain all of its limitations, which have already been shown to distinguish over Hull. For at least the reasons given with respect to claims 2-4, 8-17, 87, and 90-91, claims 21-23, 25, 27-34, and 88 also contain additional limitations that distinguish over Hull. For at least these reasons, Applicant submits that claims 21-23, 25, 27-34, and 88 are distinguishable over Hull. Applicant therefore requests the Examiner to withdraw the § 102 rejection of these claims.

Claim 33 is another independent claim containing limitations analogous to those of claim 1. For at least the reasons given with respect to that claim therefore, Applicant submits that claim 33 also possesses distinguishing limitations over Hull. Applicant therefore requests the Examiner to withdraw the § 102 rejection of this claim.

Claims 34, 36, 38-43, and 89 depend from claim 33 and, hence, contain all of its limitations, which have already been shown to distinguish over Hull. For at least the reasons given with respect to claims 2-4, 8-17, 87, and 90-91, claims 34, 36, 38-43, and 89 also contain additional limitations that distinguish over Hull. For at least these reasons, Applicant submits that claims 34, 36, 38-43, and 89 are distinguishable over Hull. Applicant therefore requests the Examiner to withdraw the § 102 rejection of these claims.

Section 103 Rejections

The Examiner rejects claim 5 under 35 U.S.C. § 103(a) as being obvious over Hull in view of U.S. Patent No. 4,170,346 issued to Murray ("Murray"). Detailed Action ¶ 4. Additionally, the Examiner rejects claims 6-7, 18-19, 26, and 37 under § 103(a) as being obvious over Hull in view of U.S. Patent No. 6,262,662 issued to Back ("Back"). Detailed Action ¶ 5. The Examiner also rejects claims 24 and 35 under § 103(a) as being unpatentable over Hull in

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view of U.S. Patent No. 5,892,444 issued to Wittmer ("Wittmer"). Detailed Action ¶ 6.

Applicant disagrees.

Claims 5-7 and 18-19 depend from claim 1 and, hence, contain all of its limitations, which have already been shown to distinguish over Hull. As the Examiner recognizes, these claims also contain additional limitations that Hull fails to teach. Id. ¶¶ 4-6. Murray, Back, and Wittmer also fail to teach these limitations.

For example, claim 5 specifies that a sensor including a document coupling device senses the number of pages based on capacitance. The Examiner attempts to use Murray to overcome Hull's deficiencies for this claim. Murray, however, discloses a bindery line that carries books 11 to a stitcher 12. col. 30, ll. 30-61; Fig. 1. The bindery line includes a control system 16 having a capacitive detecting head 15 that determines whether to reject a book based on the number of pages. Id. Thus, Murray fails to teach a sensor including a document coupling device, much less a sensor that includes a document coupling device and senses the number of pages based on capacitance.

Applicant notes the Examiner's assertion that it is arguing Murray fails to teach a sensor sensing the number of pages based on capacitance, Detailed Action ¶ 7, but this is not what Applicant is arguing. As indicated above, Murray fails to teach a sensor including a document coupling device or a sensor that includes a document coupling device and senses the number of pages based on capacitance.

As another example, claim 6 specifies that "the document state comprises an environmental condition of a document." The Examiner attempts to use Back to overcome Hull's deficiencies for this claim. Back, however, at best discloses that a page identification system 100 responds with dynamic content (e.g., graphics, chair control, or volume control) when a page of book is detected. col. 6, ll. 7-46; Fig. 2. Thus, Back fails to teach a physical-document monitoring device including a document coupling device and a sensor coupled to the document coupling device and operable to sense an environmental condition of a document.

As another example, claim 18 specifies that "the monitoring device further comprises a user input device coupled to the computer." The Examiner recognizes that Hull fails to teach such a limitation and attempts to incorporate Back. Detailed Action ¶ 7. But Back discloses a computer 620 coupled to a page identification management system 500, which wirelessly

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communicates with tag readers 140, 145 in a document 110. col. 3, ll. 40-60; Fig. 1. Thus, Hull and Back together fail to teach a user input device coupled to a computer that is coupled to a sensor that is coupled to a document coupling device.

For at least these reasons, and for the reasons given with respect to claim 1, Applicant submits that claims 5-7 and 18-19 possess limitations not taught by any combination of Hull, Murray, Back, and Wittmer. Applicant therefore requests the Examiner to withdraw the § 103 rejection of these claims.

Claims 24 and 26 depend from claim 20 and, hence, contain all of its limitations, which have already been shown to distinguish over Hull. For at least the reasons given with respect to claims 5-7 and 18-19, claims 24 and 26 also contain additional limitations not taught by any combination of Hull, Murray, Back, and Wittmer. Thus, Applicant requests the Examiner to withdraw the § 103 rejection these claims.

Claims 35 and 37 depend from claim 33 and, hence, contain all of its limitations, which have already been shown to distinguish over Hull. For at least the reasons given with respect to claims 5-7 and 18-19, claims 35 and 37 also contain additional limitations not taught by any combination of Hull, Murray, Back, and Wittmer. Thus, Applicant requests the Examiner to withdraw the § 103 rejection these claims.

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Conclusion

Applicant submits that a good faith effort has been made to advance the prosecution of this application and that the application is allowable over the rejections expressed in the Office Action. Applicant therefore requests favorable action for this case. If, however, any issues exist that may be advanced by telephone conference, Applicant requests that the Examiner contact its below-listed attorney.

Applicant believes that all of the Examiner's objections and rejections to the application have been addressed. Thus, Applicant's failure to address any objections or rejections should not be taken as acquiescence to any finding of the Examiner. Moreover, Applicant's arguments herein against the Examiner's findings should not be construed as Applicant's only basis for countering the findings. Applicant has made these arguments to illustrate the errors in the Examiner's findings and to expeditiously move the case forward.

Applicant does not believe that this paper requires any adjustment in fees. If, however, Applicant is mistaken, please charge any fees or credits to deposit account 06-1050.

Respectfully submitted,

Date: May 14, 2008


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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Art Unit : 2612
Examiner : Anh V. La
Conf. No. : 3461

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REPLY TO FINAL OFFICE ACTION OF MARCH 14, 2008

Applicant respectfully requests reconsideration of the rejections promulgated in the March 14, 2008 Final Office Action in light of the following remarks.

CERTIFICATE OF FACSIMILE

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited via facsimile on the date indicated below to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

May 14, 2008

Date of Deposit

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